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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,323	02/17/2004	David Szymanski	INDI 2 00002	1107

27885 7590 04/08/2009

Fay Sharpe LLP  
1228 Euclid Avenue, 5th Floor  
The Halle Building  
Cleveland, OH 44115

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 04/08/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliance With 37 CFR 1.192(c)</b>	<b>Application No.</b> 10/780,323	<b>Applicant(s)</b> SZYMANSKI, DAVID	
	<b>Examiner</b> Clark F. Dexter	<b>Art Unit</b> 3724	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 23 December 2008 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☐ Other (including any explanation in support of the above items):

Re item 2, the status of the claims is inaccurate because the listing of claims on appeal is inaccurate. The claims on appeal are those that stand rejected and thus should list only the rejected/appealed claims.

Re item 3, the status of the after-final amendment has not been provided.

Re item 4, the explanation of the claimed invention does not refer to the drawings by reference characters as required.

Re item 8, the copy of the claims is incorrect with respect to the claims that have been appealed from the Final rejection, specifically claim 1 which has had subject matter removed (apparently inadvertently) with respect to the Finally rejected version of claim 1; also, the withdrawn claims are not appealed claims and thus should not be included in the appendix

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**